

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MAXIMILIANO IXTEPAN, and	)	
INES XALA, Natural Father and Mother of	)	
JOAQUIN IXTEPAN, Deceased,	)	
	)	
Plaintiffs,	)	Case No. 1:14CV00142 AGF
	)	
v.	)	
	)	
BEELMAN TRUCK COMPANY and	)	
KENNETH WEAVER,	)	
	)	
Defendants.	)	

**ORDER AND JUDGMENT APPROVING**  
**WRONGFUL DEATH SETTLEMENT**

Cause called, all parties appear by counsel. Jury waived, evidence heard and testimony adduced. After reviewing testimony by affidavits and evidence submitted by the parties, this Court, upon Motion for Approval of Wrongful Death Settlement, hereby finds the following:

1. Joaquin Ixtepan was killed on July 25, 2014 at the intersection of Highway 51 and Route H in Perry County, State of Missouri when the vehicle in which he was a passenger collided with defendant Beelman Truck Company's tractor trailer operated by defendant Kenneth Weaver.

2. Plaintiffs, Maximiliano Ixtepan and Ines Xala, the natural parents of decedent Joaquin Ixtepan, who are residents of Veracruz Mexico and unable to personally appear, filed the instant suit and, through counsel, investigated the facts and circumstances of the death of their son and the potential elements of damages as set forth in RSMo. Section 537.090.

3. Plaintiffs and defendants Beelman Truck Company and Kenneth Weaver, through their attorneys and insurer, have agreed to settle plaintiffs' wrongful death claims for: \$125,000.00 (One Hundred Twenty Five Thousand Dollars).

4. The plaintiffs and widow, Amber Ixtepan, are the only Class 1 Representatives pursuant to RSMO 537.080.1(1).

5. Amber Ixtepan, decedent's widow, already sought court approval of her separate settlement agreement with Defendants through her own counsel in a separate cause of action in Cook County, Illinois styled Ixtepan v Beelman et al., Cause No. 2014-L-008820.

6. This Court, having reviewed Maximiliano Ixtepan's and Ines Xala's testimony by affidavit and the executed settlement agreement ("Release and Dismissal of All Claims for the Wrongful Death of Joaquin Ixtepan") and being satisfied with the proposed settlement between the Plaintiffs, Beelman Trucking and Kenneth Weaver, hereby finds that the settlement in the total sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00) is fair, reasonable, and in the best interests of the parties under the circumstances.

7. The Court also finds that the plaintiff's attorney fee in the amount of Forty One Thousand Six Hundred Sixty Six Dollars (\$41,666.00) and reimbursement of expenses in the total amount of Seven Hundred Ten and 22/100 Dollars (\$710.22) are fair and reasonable.

8. The Court Orders that the remaining settlement proceeds of Eighty Two Thousand Six Hundred Twenty Three and 78/100 (\$82,623.78) be distributed to plaintiffs Maximiliano Ixtepan and Ines Xala.

9. The Court Orders that plaintiffs collect, receive, and acknowledge satisfaction of payment upon tender of said settlement amount to plaintiffs and dismiss their cause of action against the defendants with prejudice with each party to bear its own costs.

SO ORDERED: \_\_\_\_\_